

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**TYRONE KENNER, et al.,**

Case No: 1:16-cv-01513

Plaintiffs,

JUDGE DAN AARON POLSTER

-VS-

**WINKING LIZARD, INC., et al.,**

**DEFENDANTS' MOTION FOR  
JUDGMENT ON THE PLEADINGS**

Defendants.

Defendants Winking Lizard, Inc., Winking Lizard of Avon, Inc., Winking Lizard of Bedford Heights, Inc., Winking Lizard of Bethel Rd., Inc., Winking Lizard of Brunswick, Inc., Winking Lizard of Columbus, Inc., Winking Lizard of Copley, Inc., Winking Lizard of Coventry, Inc., Winking Lizard of Gateway, Inc., Winking Lizard of Independence, Inc., Winking Lizard of Lakewood, Inc., Winking Lizard of Macedonia, Inc., Winking Lizard of North Canton, Inc., Winking Lizard of Northwest Columbus, Inc., Winking Lizard of Peninsula, Inc., and Winking Lizard of Westerville, Inc. (collectively "Defendants"), respectfully move this honorable Court, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, for judgment on the pleadings as to the Complaint filed by Plaintiffs Tyrone Kenner, Christopher Sanford, Tayler Downs and Victoria Cooper (collectively, "Plaintiffs"). (Dkt. #1) Plaintiffs' Complaint fails to state a claim upon which relief may be granted, and Defendants are entitled to judgment as a matter of law on Plaintiffs' Complaint. Therefore, the Court should dismiss Plaintiffs' Complaint with prejudice in its entirety.

In support of this Motion, Defendants submit the attached Memorandum in Support, which is incorporated herein by reference.

Respectfully submitted,

/s/ Daniel L. Messeloff

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Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of September, 2016, a true and accurate copy of the foregoing *Motion for Judgment on the Pleadings and Memorandum in Support* was filed electronically with the United States District Court for the Northern District of Ohio. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Daniel L. Messeloff

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One of the Attorneys for Defendants